

When does [redacted]
leave 23 APR 12

I'd like someone
to research the
Environmental
business for us -
what do we have to
do to comply with
rules?

Approved For Release 2003/04/29 : CIA-RDP84-00780R003800160020-4



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22 July 70

STAT

Mr Coffey, ^{WB}

Via

attached is
the last piece
of material - "Interview
Guidelines" you
asked me to get
re the Environment
Legislation and
Exec. Orders -

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an opportunity to file comments or request a hearing on the Board's tentative revision.*

Accordingly, it is ordered, That:

1. The lease without crew of two DC-63F aircraft from Seaboard to Icelandic be and it hereby is tentatively approved;

2. Interested persons are hereby afforded a period of time until May 12, 1970 in which to file comments or request a hearing with respect to the Board's proposed action; and

3. The Attorney General of the United States be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

F.R. Doc. 70-5798; Filed, May 11, 1970;
8:48 a.m.]

CIVIL SERVICE COMMISSION**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE****Notice of Grant of Authority To Make
Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of National Chairman, White House Conference on Children and Youth, Office of the Secretary.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

F.R. Doc. 70-5799; Filed, May 11, 1970;
8:48 a.m.]

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT****Notice of Grant of Authority To Make
Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Relocation and

* In its final order, the Board will reserve jurisdiction over the transaction to take whatever action may be required in the public interest.

* Comments so filed shall conform to the requirements of the Board's rules of practice (4 CFR Part 302) for the filing of documents. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

Special Services, Renewal and Housing Management.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5800; Filed, May 11, 1970;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR**Notice of Grant of Authority To Make
Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5801; Filed, May 11, 1970;
8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY**Notice of Revocation of Authority To
Make Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Director, Community Action Program.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5802; Filed, May 11, 1970;
8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY**Notice of Grant of Authority To Make
Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Office of Research and Evaluation, Office of Planning, Research and Evaluation.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5803; Filed, May 11, 1970;
8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY**Notice of Grant of Authority To Make
Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Office of General Counsel.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5804; Filed, May 11, 1970;
8:48 a.m.]

POST OFFICE DEPARTMENT**Notice of Grant of Authority To Make
Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Post Office Department to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Postmaster General—Construction Engineering, Bureau of Facilities.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5805; Filed, May 11, 1970;
8:48 a.m.]

TAX COURT OF THE UNITED STATES**Notice of Grant of Authority To Make
Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Tax Court of the United States to fill by noncareer executive assignment in the excepted service the position of Executive Director.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5806; Filed, May 11, 1970;
8:48 a.m.]

✓ **COUNCIL ON
ENVIRONMENTAL QUALITY**

**STATEMENTS ON PROPOSED FEDERAL
ACTIONS AFFECTING THE ENVIRONMENT****Interim Guidelines**

APRIL 30, 1970.

1. *Purpose.* This memorandum provides interim guidelines to Federal departments, agencies and establishments

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for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91-190) (hereinafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 5, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals.

2. *Policy.* Before undertaking major action or recommending or making a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and BOB procedures.* (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish no later than June 1, 1970, its own formal procedures for (1) identifying those agency actions requiring environmental statements, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State and local agencies, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with

environmental matters. The Bureau of the Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary material, new policies and procedures, water resource and other projects, etc.).

4. *Federal agencies included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or reports relating to legislation and appropriations;
(ii) Projects and continuing activities;

—Directly undertaken by Federal agencies;

—Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance;

—Involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) Policy—and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should

bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead

agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment or serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, the regulatory activities of Federal environmental protection agencies (e.g., the Federal Water Quality Administration of the Department of the Interior and the National Air Pollution Control Administration of the Department of Health, Education, and Welfare) are not deemed actions which require the preparation of an environmental statement under section 102(2)(C) of the Act.

6. *Recommendations or reports on proposals for legislation.* The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Bureau of the Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process.

7. *Content of environmental statement.* (a) The following points are to be covered:

(i) The probable impact of the proposed action on the environment, including impact on ecological systems such as wild life, fish and marine life. Both primary and secondary side effects and consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(ii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of Public Law 91-190).

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(d) (5) gives to the proposed action. Section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves 'irreversible conflicts concerning alternatives and available resources'). A rigorous, explicit and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their effects and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vi) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, mere reference to the previous certification is sufficient.

(c) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

8. Federal agencies to be consulted in connection with preparation of environmental statement. The Federal agencies to be consulted in connection with preparation of environmental statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards". These Federal agencies include components of (depending on the aspect or aspects of the environment involved):

Department of Agriculture.
Department of Commerce.
Department of Defense.

Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Department of Transportation.
Atomic Energy Commission.

For actions specially affecting the environment of their regional jurisdictions, the following Federal agencies are also to be consulted:

Tennessee Valley Authority.
Appalachian Regional Commission.

Agencies obtaining comment should determine which one or more of the above listed agencies are appropriate to consult. It is recommended that the above listed Departments establish contact points for providing comments and that Departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty days for reply, after which it may be presumed the agency consulted has no comment to make.

9. State and local review. Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Bureau of the Budget Circular No. A-95, review by State and local governments will be through procedures set forth under Part 1 of Circular No. A-95.

(b) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by Bureau of the Budget Circular No. A-85.

(c) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the draft environmental statement may be obtained directly or by publication of a summary notice in the *FEDERAL REGISTER* (with a copy of the environmental statement and comments of Federal agencies thereon to be supplied on request). The notice in the *FEDERAL REGISTER* may specify that comments of the relevant State and local agencies must be submitted within 60 days of publication of the notice.

10. Use of statements in agency review processes; distribution to Council on Environmental Quality. (a) Agencies will

need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State, and local agencies in the legislative, and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed an environmental statement should be provided.

(b) Seven (7) copies of draft environmental statements (when prepared), seven (7) copies of all comments received thereon (when received), and seven (7) copies of the final text of environmental statements should be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved.

11. Application of section 102(2)(C) procedure to existing projects and programs. To the fullest extent possible the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of Public Law 91-190 on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. Availability of environmental statements and comments to public. The agency which prepared the environmental statement is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. sec. 552).

13. Review of existing authority, policies and procedures in light of National Environmental Policy Act. Pursuant to section 103 of the Act and section 2(d) of Executive Order 11514, all agencies, as soon as possible, shall review their present statutory authority, administrative regulations, and current policies and procedures, including those relating to loans, grants, contracts, leases, licenses, certificates and permits, for the purpose of determining whether there are any

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deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of the Act. After such review each agency shall report to the Council on Environmental Quality not later than September 1, 1970, the results of such review and their proposals to turn their authority and policies into conformity with the intent, purposes and procedures set forth in the Act.

4. *Supplementary guidelines; evaluation of procedures.* (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1970. Such reports should include an identification of problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,
Chairman.

[F.R. Doc. 70-5769; Filed, May 11, 1970;
8:46 a.m.]

FEDERAL MARITIME COMMISSION

MATSON NAVIGATION CO. AND
UNITED STATES LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Peter P. Wilson, Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105.

Agreement No. DC-46 between Matson Navigation Co. (Matson) and United States Lines, Inc. (U.S. Lines), provides for the lease of container chassis owned by Matson, to U.S. Lines for use on the Island of Oahu.

By its terms U.S. Lines will have complete control and supervision over the equipment while in its possession. U.S. Lines will be liable for any damage or loss arising out of its use, operation, and possession of the chassis, and will release, agree to defend and hold harmless Matson in such an event.

Charges shall accrue to Matson at the rate of \$10 per diem, excluding the day of the interchange. Matson will be responsible for any repairs which are required before U.S. Lines takes possession of the chassis pursuant to the agreement. Ordinarily maintenance and service adjustments caused by ordinary use will be absorbed by U.S. Lines when the cost thereof does not exceed \$20. When the estimated cost thereof exceeds \$20 it shall be billed to and borne by Matson. Such maintenance will be authorized by Matson prior to the commencement of repairs when the estimated cost would exceed \$50.

Matson does not agree to make a definite number of chassis available at any particular time under the terms of the agreement.

The agreement is for a period of 1 year from the date of approval by the Federal Maritime Commission pursuant to section 15, Shipping Act, 1916 and will continue in effect from year to year. After 1 year either party may terminate the agreement at any time by giving the other party to the agreement 10 days notice of termination.

Dated: May 7, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-5795; Filed, May 11, 1970;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2737, etc.]

CITIES SERVICE GAS CO.

Notice of Filing of Settlement
Proposal

MAY 4, 1970.

Take notice that on April 29, 1970, Cities Service Gas Co. (Gas Company) filed a request for approval of a Settlement Proposal in Dockets Nos. G-2737, RP64-9, RP68-16, and RP69-39. The settlement proposal is stated to arise out

of discussions among Gas Company, the Commission's staff, and interested parties in the above-entitled proceedings and is intended to represent a total settlement, in the amount of \$27 million in full payment and settlement of any and all claims for refunds or alleged overcharges in Gas Company's jurisdictional rates arising from Gas Company's purchases of gas from Continental Gas Producing Co. and Continental Oil Co. in the Texas-Panhandle and Oklahoma-Hugoton Fields at the latter's effective rates on file with the Federal Power Commission, at all times on and after April 23, 1964, including such volumes of purchases as are involved in Dockets Nos. RP64-9, RP68-16, and RP69-39.

Copies of the proposed settlement were served on all parties of record in these proceedings.

Comments or objections relating to the proposed stipulation and agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before May 22, 1970.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5758; Filed, May 11, 1970;
8:45 a.m.]

[Docket No. CP70-256]

COLORADO INTERSTATE GAS CO.

Notice of Application

MAY 4, 1970.

Take notice that on April 24, 1970, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP70-256 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a meter station at approximately 1,000 feet of 4-in. pipeline in order to deliver up to 5,000 Mcf per day to Kansas-Nebraska Rural Gas Co., Inc. (Kansas-Nebraska) in Finney County, Kans. Applicant states that this proposal is only a rearrangement of deliveries under applicant's existing gas sales contract with Kansas-Nebraska and will not increase applicant's peak day or annual delivery obligations.

The total estimated cost of the proposed facilities is \$14,502, which will be financed from current working funds on hand, funds from operations, or short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the

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EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET
WASHINGTON, D.C. 20503

May 18, 1970

CIRCULAR NO. A-78
Revised

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Reporting requirements in connection with the prevention, control, and abatement of air pollution at existing Federal facilities

1. Purpose. This Circular provides procedures to be followed by Federal agencies in carrying out the air pollution control provisions of section 5, pertaining to existing Federal facilities, and related aspects of Executive Order No. 11507 of February 4, 1970, entitled "Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities," hereinafter referred to as the Order. This Circular supersedes and replaces Bureau of the Budget Circular No. A-78 dated August 6, 1966.

2. Definitions. As used in this Circular:

a. The term "Secretary" means the Secretary of Health, Education, and Welfare, or his designee.

b. The term "agencies" means the departments, agencies, and establishments of the executive branch.

c. The term "facilities" means the buildings, installations, structures, public works, equipment, aircraft, vessels, and other vehicles and property, owned by or constructed or manufactured for the purpose of leasing to the Federal Government in the United States.

d. The term "air quality standards" means the air quality standards and related plans of implementation, including emission standards, adopted pursuant to the Clean Air Act, as amended (42 U.S.C. 1857).

e. The term "performance specifications" means permissible limits of emissions, discharges, or other values applicable to a particular Federal facility that would, as a minimum, provide for conformance with the air quality standards or other applicable standards.

f. Unless otherwise indicated, the term "cost" means the amount (budget authority) required for putting in place the necessary air pollution control measures. These costs include the capital costs of structures and equipment, irrespective of the appropriation chargeable, but not the annual maintenance and operating costs.

g. The term "United States" means the fifty States, the District

of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

h. The term "other vehicles" means any self-propelled vehicles designed for transporting persons or property on a street or highway.

3. Agency responsibilities. Pursuant to their responsibilities under the Order, Federal agencies should:

a. Seek the assistance of the Secretary at the earliest feasible time when necessary to determine the standards applicable to particular facilities and the appropriate implementation schedules specified by the Order.

b. Provide the Secretary with such data and information as he may need to evaluate the air pollution control aspects of proposals submitted pursuant to this Circular, the implementation of these plans, and existing and potential air pollution control problems.

c. Cooperate with State and local pollution control agencies and with other Federal agencies in the evaluation of their pollution control needs and, if appropriate, in the provision or installation of joint or regional pollution control measures.

4. Communications with the Secretary. Communications with the Secretary in connection with this Circular should be directed to the National Air Pollution Control Administration, attention: Federal Facilities Branch, Parklawn Building, Rockville, Maryland 20852.

5. Applicable standards

a. All Federal facilities are required by the Order to conform to:

(1) Air quality standards and related implementation plans adopted pursuant to the Clean Air Act (section 4(a) of the Order), or

(2) New standards which may be promulgated by the Secretary (section 4(b) of the Order), or

(3) Regulations previously promulgated by the Secretary pursuant to Executive Order No. 11282 published in 42 CFR 76. Section 8 of Executive Order No. 11507 continues these existing regulations in effect until amended or terminated. These regulations specify emission limitations for particular pollutants and require in certain instances that Federal facilities conform with State or local standards. These regulations are contained in Attachment B and are provided for the convenience of the agencies.

b. For the purpose of the June 30, 1970, report required by paragraph 6 of this Circular, the standards to be considered to be in effect for Federal facilities are those promulgated by the Secretary under Executive Order No. 11282 (paragraph 5a(3) above). As implementation plans for a particular region are developed by the States and are

approved by the Secretary, they will be assumed to supersede requirements previously promulgated by the Secretary for Federal facilities in that region unless the Secretary hereafter prescribes more stringent requirements for such Federal facilities. Upon approval of these implementation plans or the promulgation of standards pursuant to section 4(b) of the Order, if "costs" as defined in paragraph 2(f) of this Circular must be incurred to bring an agency's facilities into conformity with these requirements, the agency should amend the plan required by this Circular to provide at the earliest feasible date for the correction of these facilities.

c. As a general rule, mobile facilities such as aircraft, vessels, and other vehicles including automobiles will be subject to standards which may be issued by the Secretary pursuant to section 4(b) of the Order. In certain cases mobile facilities may be subject to air quality standards adopted by the States and approved by the Secretary.

d. Since air pollution standards for many pollutants are still in the development stage, agencies may have some difficulty in determining the pollution control measures appropriate for a particular facility. Agencies should therefore take into account such factors as: the best practical technology available; the need, if any, for excess pollution control capacity; the possible need to control other pollutants at the same facility in the future; the various alternative methods of control including process changes; and the relative costs of these alternatives, based on the use of adequate standard accounting techniques.

6. Agency plan-general provisions

a. Requirement. The fiscal plan for improvements at existing facilities required previously by Circular No. A-78 will be updated and submitted by June 30, 1970, and thereafter as prescribed herein. This updated agency plan will provide for compliance by existing facilities with the applicable standards and the deadlines specified by the Order. Agencies which did not submit a report previously but which have facilities requiring correction under the Order should submit a plan in the format shown in Exhibits 1 and 2.

b. Coverage. The agency plan should include all projects involving "costs," as defined in paragraph 2(f) of this Circular, which are necessary to bring existing facilities into compliance with applicable standards. The agency plan should also include all completed or discontinued projects listed in earlier plans.

c. General format. The information required for the agency plan will be submitted in the form of Exhibits 1 and 2. Pertinent details for each individual project are given on Exhibit 1. Exhibit 2 is a summary and status report of the agency plan for air pollution abatement at existing facilities. Exhibit 2 is to be on legal size paper measuring 13 or 14 inches in the longest dimension. Reports may be submitted in the form of computer printouts only upon specific approval of the Bureau of the Budget.

d. Preparation and submission of Exhibits. Specific details for the preparation and submission of Exhibits 1 and 2 are given in Attachment A. In general, a complete set of Exhibits is due by June 30, 1970. Thereafter, Exhibit 2 is to be updated and submitted quarterly, and Exhibit 1 is to be submitted only for new projects or for major revisions of prior submissions. For each submission, three copies are to be sent to the Bureau of the Budget and two copies are to be sent to the Secretary.

e. Project numbers. Agencies will assign consecutive numbers, beginning with "1," to all air pollution control projects, including those in the plan submitted on July 1, 1967, and in subsequent revisions of the plan. Project numbers are for permanent identification and may not be reassigned to new projects.

f. Phasing of projects. Insofar as possible, all projects that were not included in the FY 1971 budget or funded in prior years should be prepared for possible inclusion in the FY 1972 budget. Any remaining or new projects necessary to meet these standards should be made ready for possible inclusion in the FY 1973 budget.

7. Type of facilities covered.

a. Facilities which have not been constructed, manufactured, or contracted for, but for which design or other work predating the Order has advanced to a stage at which it would be impractical to carry out the provisions of section 6 of the Order ("Procedures for new Federal facilities"), may be considered the same as "existing facilities" for the purposes of this Circular.

b. The Order and this Circular cover facilities which are constructed or manufactured for lease to the Federal Government, as well as those which are owned by the Federal Government. "Lease-construction" is an example of a type of facility covered under this provision, but facilities used under ordinary leases are not covered. Lease-construction facilities should be conspicuously identified on Exhibits 1 and 2. Exhibit 1 should include a brief discussion of the lease arrangements that would affect the possibility and practicality of installing abatement measures for such facilities.

8. Report on additional abatement activities. Each June 30, agencies will report actions (accomplished or planned) which do not entail "costs" as defined in section 2(f) of this Circular but which do involve significant efforts to comply with section 5(a) of the Order. Agencies should indicate the type of actions taken (e.g., purchase of fuel with no more than 1% sulfur content for all facilities in certain cities), the approximate incremental costs, and whether or not such costs are recurring. The report will be prepared in the format shown in Exhibit 3.

No special budgeting procedures will be required to implement these actions. However, this Exhibit, when combined with Exhibits 1 and 2,

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should present a comprehensive view of the agency's actions to comply with section 5(a) of the Order.

9. Extensions of time. Requests for delaying required remedial measures beyond the dates specified by section 5(a) of the Order should be transmitted to the Bureau of the Budget no later than June 30, 1970, unless compelling circumstances would require such action at a later date. Such requests should be separate from the information provided on the Exhibits submitted for the agency plan. The agency should also submit an Exhibit 1 in such instances indicating the proposed plan for installing remedial measures and the justifying circumstances for the delay as required by section 5(d) of the Order.

10. Review. The Secretary will assist in evaluating the air pollution control aspects of projects submitted under this Circular. He will provide periodic appraisals of the operation and performance of such measures, as well as of other Government-related air pollution control needs and related costs.

11. Similarity to Circular No. A-81 (water pollution). This Circular and Attachment A are very similar or identical to Circular No. A-81 dated May 1970 (water pollution) except paragraphs 2(h), 5, 6(d), and 8 of the Circular and 1(a)1, 1(d), 2(h), and 2(i) of Attachment A. Exhibit 2 is identical to Exhibit 2 of Circular No. A-81, but Exhibits 1 and 3 are tailored to fit the informational needs of the air pollution program. Submission requirements for Exhibits 1 and 2 are identical for both Circulars.

12. Inquiries. Questions regarding the implementation of this Circular should be addressed to the Human Resources Programs Division, Bureau of the Budget, Washington, D.C., 20503.

ROBERT P. MAYO
Director

Attachments

(No. A-78)

ATTACHMENT A
Circular No. A-78
Revised

INSTRUCTIONS FOR THE PREPARATION
AND SUBMISSION OF EXHIBITS

1. Exhibit 1, "Proposed Project Report"

a. An Exhibit 1 will be submitted by June 30, 1970, for each pollution control project included in the agency plan, with the following exceptions:

- (1) Only one Exhibit 1 need be submitted for each group of mobile facilities (e.g., aircraft, automobiles, ships) where these facilities have similar air pollution problems and where similar pollution control measures are appropriate.
- (2) In those cases where the agency has already submitted an Exhibit A for a particular project under the previous edition of this Circular and funds have already been appropriated by Congress or are expected to be appropriated for FY 1971, and there is no indication that additional funds will be needed for completion of the project, the agency may resubmit the previous Exhibit A in lieu of a new Exhibit 1 for that project, provided that the project numbers are indicated on the Exhibit A's.

(3) In those cases where an agency has a large number of projects and revision of its Exhibit A's before June 30, 1970, would be an undue hardship, application may be made to the Bureau of the Budget for an extension of time for such revision. In such cases, the previous Exhibit A's would be submitted in lieu of new Exhibit 1's on June 30, 1970, with the appropriate project numbers indicated on the previous Exhibit A's.

b. After June 30, 1970, Exhibit 1 will be required only for new pollution control projects or to indicate a major change in the information provided on a previous Exhibit. These revised or new Exhibit 1's will be submitted quarterly. As a general rule, projects which an agency plans to undertake in a particular fiscal year must be submitted on an Exhibit 1 no later than 12 months prior to the start of that fiscal year.

c. Pollution control projects at the same facility which are required for distinct and separate purposes will be considered as separate projects. Such separate projects may be reported on the same Exhibit 1 only if each is clearly identified (e.g., "a," "b," and "c") and if all questions are fully answered for each project. Such separate projects will be reported individually on Exhibit 2 using appropriate project numbers (e.g., "8a," "8b," and "8c").

d. The notification required by section 5(c) of the Order as to the performance specifications proposed for each existing facility should be given under item 6 in Exhibit 1 unless alternative arrangements are

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agreed to by the Secretary. An entry under item 6 is not necessary if the performance specification is identical to an emission standard noted in item 5.

e. Item 9 of Exhibit 1 should include information not shown elsewhere on the Exhibit which is necessary for the evaluation of the project. For instance, where the agency knows of changing circumstances which will affect the practicability of undertaking pollution abatement at a particular facility (e.g., expected closure of the facility, projected renovation, or a change in mission of the facility which would alter abatement needs), these should be indicated. Projects involving such circumstances should be included on Exhibit 2 with a reference to the explanation given on Exhibit 1.

2. Exhibit 2, "Status Report."

a. Exhibit 2 will indicate the estimated or actual "costs" for all projects in the agency plan and the current status of the projects. Design costs need not be included for individual projects if they are not normally reflected in appropriations for individual projects.

b. Each Exhibit 2 will consist of two sections. Section A (COMPLETED PROJECTS) will contain all projects in the agency plan which have been completed plus those projects which have been discontinued. Section B (ACTIVE PROJECTS) will contain all other projects. Both Sections A and B of Exhibit 2 should be submitted on June 30, 1970, and on each June 30 thereafter. Section B should be updated and submitted quarterly on September 30, December 31, and March 31. These quarterly submissions should include all of the projects in Section B of the previous June 30 report and may be a "marked-up" copy of the June 30 report. Agencies may request to be relieved of this quarterly reporting requirement with regard to minor projects or when changes in the projects would be insignificant. Completed or discontinued projects should be transferred from Section B to Section A in the June 30 submission each year.

c. No later than 15 days after the President approves the Act containing the applicable appropriation, the agency will submit a marked-up copy of its latest Section B submission indicating the effect of congressional appropriation action on the status of its projects. This latter report will not be required if the next quarterly revision is due no more than 30 days after the President's action.

d. Each revision of Exhibit 2 will show the latest information as of 60 days prior to the quarterly reporting date. Unless the change is otherwise evident, an asterisk will be placed in the margin to indicate which project entries have been changed in the revision.

e. Exhibit 2 will indicate the amount included or to be included in the President's budget and, in parentheses, the amount actually appropriated or funded when relevant. With regard to any fiscal year for which the President's budget has already been submitted, only

projects which have actually been included in that budget or funded may be listed under that fiscal year. Agency totals should be shown at the bottom of the Exhibit.

f. Special care should be taken in filling out the "Status" column on Exhibit 2 so as to give all relevant information indicated below. It is requested that the agency use the following format:

Indicate "PP ____" if the project is in the preliminary planning stage. The blank provided should contain the estimated completion date for construction.

Indicate "DES ____" if the project is under design or has been designed, but is not under construction. The blank provided should contain the estimated completion date for construction.

Indicate "CONSTR ____" if the project is under construction. The blank provided should contain the estimated completion date.

Indicate "COMPL ____" if the project has been completed. The blank provided should contain the actual completion date.

Indicate "DISC" if the project has been discontinued or dropped. Reasons should be given.

Indicate "DEFER ____" if the project has been deferred or significantly delayed. The blank provided should contain the estimated date of completion of construction. Reasons should be given.

Indicate "OTHER" if other than the above circumstances apply. An explanation should be given.

When the project has been deferred or otherwise significantly delayed, the agency should also indicate what corrective action is to be taken by the agency, if any.

g. Exhibit 2 should be a consolidated version, summarizing the air pollution control projects for all of the regions and divisions of the reporting agency.

h. For the submission of June 30, 1970, full explanations should be given in the "Status" column for any project planned for FY 1973 or later rather than for FY 1972.

i. When projects have been discontinued in favor of use of non-Federal facilities to dispose of wastes (e.g., a city's landfill), the agency should so indicate in the "Status" column of Exhibit 2. A revised Exhibit 1 should also be submitted which includes a description of the method by which the wastes will be disposed and an assessment of the pollution characteristics of the method used.

ATTACHMENT B
Circular No. A-78
Revised

Title 42--PUBLIC HEALTH

Chapter I--Public Health Service, Department
of Health, Education, and Welfare

Subchapter F--Quarantine, Inspection, and Licensing

Part 76--Prevention, Control, and Abatement of Air
Pollution from Federal Government Activities:
Performance Standards and Techniques of Measurement

Sec.

- 76.1 Definitions.
- 76.2 Intent.
- 76.3 Applicability.
- 76.4 Combustion of fuel.
- 76.5 Sulfur oxides.
- 76.6 Stacks.
- 76.7 Storage and handling of fuels and ash.
- 76.8 Disposal of refuse.
- 76.9 Other pollution producing processes.

Authority: The provisions of this Part 76 issued under section 5 of Executive Order 11282; 3 CFR, 1966 comp.

Source: The provisions of this Part 76 appear at 31 F.R. 7902, June 3, 1966, unless otherwise noted.

Sec. 76.1 Definitions.

As used in this part:

- (a) "Executive Order" means Executive Order No. 11282.
- (b) "Nonurban areas" means all areas other than urban areas.
- (c) "Ringelmann Scale" means the Ringelmann Scale as published in the latest U.S. Bureau of Mines Information Circular entitled "Ringelmann Smoke Chart".
- (d) "Secretary" means the Secretary of Health, Education, and Welfare.
- (e) "Smoke Inspection Guide" means the U.S. Public Health Service Smoke Inspection Guide described in Part 75 of this title.
- (f) "Urban areas" means those areas classified as urban in the latest available Federal census, or as Standard Metropolitan Statistical Areas by the Bureau of the Budget.

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(g) "Unit" means all indirect heat exchangers connected to a single stack.

(h) "Particulate matter" means any material, except uncombined water, that exists as a solid or liquid at standard conditions.

(i) "Standard conditions" means a temperature of 70° Fahrenheit and a pressure of 14.7 pounds per square inch, absolute.

(j) "Waste" means any solid, liquid, or gaseous substance, the disposal of which may create an air pollution problem.

[31 F.R. 7902, June 3, 1966, as amended at 34 F.R. 11419, July 10, 1969]

Sec. 76.2 Intent.

It is the intent of these standards that emissions to the atmosphere from Federal facilities and buildings shall not be permitted if such emissions endanger health or welfare and that emissions which are likely to be injurious or hazardous to people, animals, vegetation, or property shall be minimized.

Sec. 76.3 Applicability

(a) Unless otherwise indicated, the standards in this part apply to both new and existing Federal facilities and buildings. These standards are effective upon publication in the Federal Register, except for those facilities and buildings which are likely to require installation of improvements under the plan to be submitted in accordance with section 3 of the Executive Order.

(b) Except for discharges of radioactive effluents which are regulated by the Atomic Energy Commission, Federal facilities and buildings shall conform to the air pollution standards prescribed by the State or community in which they are located. If State or local standards are not prescribed for a particular location, or if the State or local standards are less stringent than the standards prescribed herein, the standards in this part shall be applicable to discharges from such Federal facilities and buildings except as otherwise indicated.

(c) Temporary operations that may result in potential air pollution problems, such as those associated with research, development, test, evaluation, space, and military activities, shall be conducted with such precautions and safeguards as are needed to achieve the intent of these standards.

(d) The Secretary may, upon application of the relevant department, agency or establishment, exempt any Federal facility or building from the objectives contained in section 4 of the Executive order and from any or all of these standards whenever he determines that the activities of such building or facility will not significantly conflict with the intent of the Executive order and that such an exemption is in the public interest.

Sec. 76.4 Combustion of fuel.

(a) The following standards apply to the combustion units of facilities and buildings having a heat input of less than 1,000 million B.t.u./hour, other than fireplaces, stoves, or grills burning wood or charcoal:

(1) Manually fired equipment shall not be installed as new or replacement equipment, except for the burning of anthracite, coke, or smokeless fuel.

(2) (i) For new units, except during startup, cleaning of fires, or soot blowing, the density of any emission to the atmosphere shall not exceed No. 1 on the Ringelmann Scale or the Smoke Inspection Guide.

(ii) For existing units, except during startup, cleaning of fires, or soot blowing, the density of any emission to the atmosphere shall not exceed No. 2 on the Ringelmann Scale or Smoke Inspection Guide.

(3) A photoelectric or other type smoke detector, recorder, or alarm shall be installed on units larger than ten million BTU per hour input, except where gas or light oil (No. 2 or lighter) is burned.

(4) During routine operation, the emission of particles larger than 60 microns shall not normally occur.

(5) Means shall be provided in all newly constructed units and wherever practicable in existing units to allow the periodic measurement of flyash and other particulate matter.

(6) All new or replacement spreader stoker installations shall be of a type that automatically discharges ashes to the ash pit either continuously or in very frequent small increments, and flyash shall be reinjected only from boiler passes.

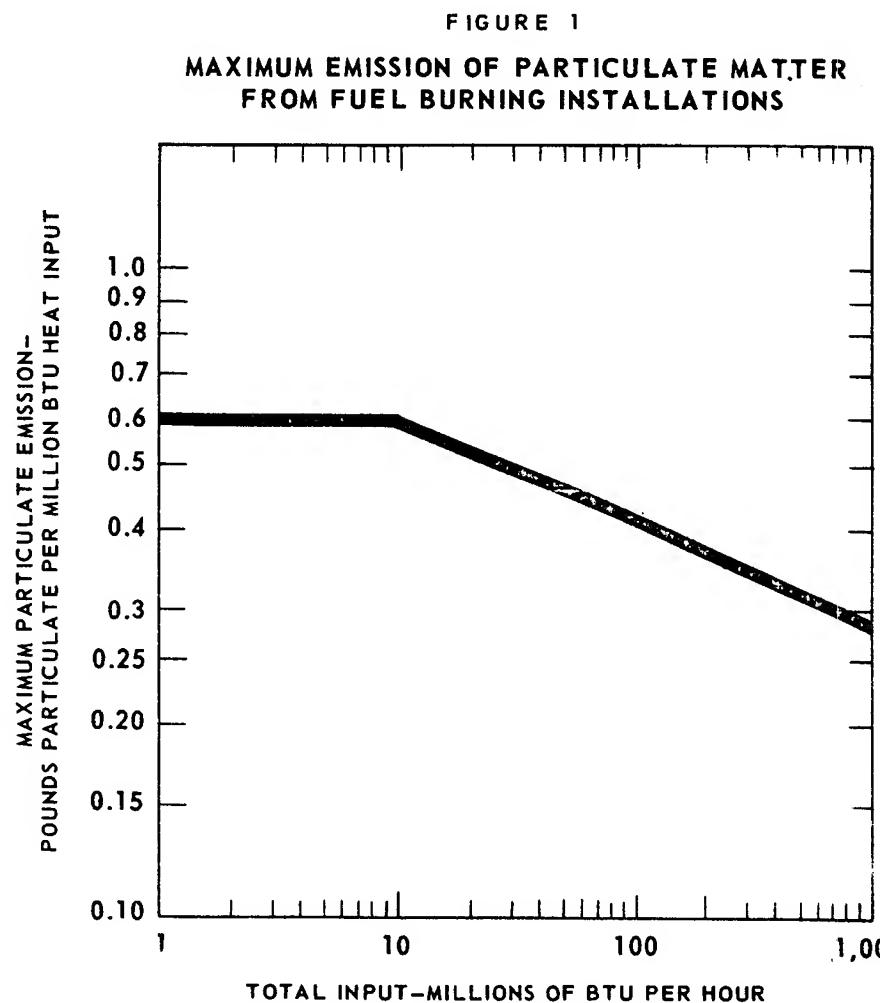
(7) For units of less than 10 million BTU/hour heat input, the emission of flyash and other particulate matter shall not exceed 0.6 pounds of particulate matter per million BTU heat input, as measured by the American Society of Mechanical Engineers Power Test Code No. 27 for "Determining Dust Concentrations in a Gas Stream," or equivalent test method.

(8) For units between 10 million and 1,000 million BTU/hour heat input, the emission of flyash and other particulate matter shall not exceed that specified in figure 1, as measured by the test method specified in subparagraph (7) of this paragraph. Existing units shall meet this standard within the time designated by the plan submitted in accordance with section 3 of the Executive order except that with respect to existing spreader stoker units the plan may specify certain units which may emit particulate matter at an interim rate not exceeding 0.6 lbs/million BTU heat input.

(b) For units having a heat input of more than 1,000 million BTU/hour, the appropriate department, agency, or establishment shall

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seek special advice from the Secretary with regard to smoke, flyash, and other particulate emissions.



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Sec. 76.5 Sulfur oxides.

(a) Combustion units of facilities or buildings not located in areas specified by the Secretary under paragraph (c) of this section and whose heat input is less than 1,000 million BTU/hour shall burn the lowest sulfur content fuel that is reasonably available. In determining reasonable availability, the factors to be considered include, among others, price, firmness of supply, extent of existing pollution, and assurance of supply under adverse weather and natural disaster conditions.

(b) For combustion units or Federal facilities or buildings not located in areas specified by the Secretary under paragraph (c) of this section and whose heat input is more than 1,000 million BTU/hour, the appropriate department, agency, or establishment shall seek special advice from the Secretary with regard to sulfur-oxide emissions.

(c) (1) Effective October 1, 1969, combustion units of all Federal facilities or buildings located in the following areas shall comply with applicable emission limitations and control measures set out below:

(i) In the New Jersey-New York-Connecticut Interstate Air Quality Control Region as defined by 42 CFR Part 81, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed 0.35 pounds per million B.t.u. (gross value) heat input.

(ii) In the Metropolitan Chicago Interstate Air Quality Control Region (Indiana-Illinois) and in the Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware) as defined in 42 CFR Part 81, the emission rate of sulfur oxides (calculated as sulfur dioxide) from fuels used in combustion units shall not exceed 0.65 pounds per million B.t.u. (gross value) heat input.

(2) If compliance with the above emission standard is to be accomplished by means of controlled fuel quality, the agency responsible for each Federal facility in the designated areas shall establish appropriate fuel specifications to insure that the above emission limitations are met and shall provide for adequate tests to ascertain that delivered fuel meets the applicable specifications. If removal of sulfur oxides from flue gases is used to control emissions, the facility shall provide for continuous monitoring and recording of the sulfur oxide content of flue gases emitted. The sulfur content of fuels shall be determined in accordance with current recognized testing procedures of the American Society for Testing and Materials. The sulfur content of the flue gases shall be determined in accordance with current recognized testing procedures of the American Society of Mechanical Engineers.

(3) The limitations and measures established in subparagraph (1) of this paragraph shall be revised or amended only after consultation with appropriate Federal, State, and local officials and affected parties.

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Not less than 30 days prior to prescribing such revised or amended limits or measures, the Secretary will publish in the Federal Register notice of his intention to adopt such limits or measures, and will thereafter publish in the Federal Register the limits or measures established. The Secretary may at any time designate other urban areas which suffer from extremely high air pollution levels, and after similar consultation, and publication in the Federal Register, prescribe such limits or measures as he determines are necessary to carry out the intent of Executive Order 11282.

(d) The emission of the oxides of sulfur the atmosphere shall be monitored at regular intervals by determining the sulfur content of the fuel used or by determining the sulfur content of flue gases.

[31 F.R. 7902, June 3, 1966, as amended at 32 F.R. 4415, March 23, 1967; 34 F.R. 11419, July 10, 1969]

Sec. 76.6 Stacks.

For buildings or facilities in nonurbanized areas, the particle emission standards of section 76.4(a) (7) and (8) may be revised for an individual installation by an amount to be determined by the Secretary, when:

(a) The stack height exceeds by 2-1/2 times the height of the highest building in that area, and

(b) The pollution level in any area will not be significantly increased thereby.

For large plants the determination of chimney height shall be based on air quality criteria, land use, and meteorological, topographical, aesthetic, and operating factors.

Sec. 76.7 Storage and handling of fuels and ash.

(a) Solid fuels and ash shall be stored and handled so as not to release to the atmosphere dust in significant quantities.

(b) In quantities of 40,000 gallons or more, gasoline or any volatile petroleum distillate or organic liquid having a vapor pressure of 1.5 p.s.i.a. or greater under actual storage conditions shall be stored in pressure tanks or reservoirs or shall be stored in containers equipped with a floating roof or vapor recovery system or other vapor emission control device.

(c) Stationary gasoline storage tanks with a capacity of 250 gallons or more shall be equipped with either submerged filling inlets or with vapor recovery or emission control systems such that loss of vapor to the atmosphere during filling operations shall be minimized.

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(d) Gasoline or petroleum distillate tank car or tank truck loading facilities handling 20,000 gallons per day or more shall be equipped with submersible filling arms or other vapor emission control systems.

Sec. 76.8 Disposal of waste.

(a) (1) Waste shall not be burned in open fires in urban areas.

(2) In nonurban areas, there shall not be burned in open fires, within a 24-hour period, more than 25 pounds of waste at a single site nor more than 500 pounds of waste at any number of sites within a 1-mile radius, except that these quantities may be exceeded in the case of on-site burning of waste produced in connection with operations performed at railroad rights-of-way, interurban highways, irrigation canals, forests, agricultural sites, etc., and provided that care is exercised to prevent creation of localized air pollution which endangers health or welfare. Deteriorated or unused explosives, munitions, rocket propellants, and certain hazardous wastes may be burned in open fires, in accordance with recognized procedures.

(3) Wastes shall not be left in open dumps.

(4) Wastes that are disposed of in sanitary landfills shall be disposed of in accordance with procedures described in "Sanitary Landfill Facts" (PHS publication No. 1792, 1968) and any amendments or revisions thereof. Said document is available to any interested person, whether or not affected by the provisions of this part, upon request to the National Air Pollution Control Administration, Arlington, Va. 22203, which maintains an official historic file of the document, or to the Public Health Service Information Center as listed in 45 CFR 5.31 (32 F.R. 9316).

(b) (1) Waste shall be burned only in facilities especially designed for that purpose, except as provided in paragraph (a) of this section.

(2) For incinerators acquired on or after June 3, 1966, the density of any emission to the atmosphere shall not exceed number 1 on the Ringelmann Scale or the Smoke Inspection Guide for a period or periods aggregating more than 3 minutes in any 1 hour, or be of such opacity as to obscure an observer's view to an equivalent degree.

(3) For incinerators acquired prior to June 3, 1966, the density of any emission to the atmosphere shall not exceed number 2 on the Ringelmann Scale or the Smoke Inspection Guide for a period or periods aggregating more than 3 minutes in any 1 hour, or be of such opacity as to obscure an observer's view to an equivalent degree.

(c) (1) In addition, for installations burning more than 200 pounds of wastes per hour, emissions shall not exceed 0.2 grain of particulate matter per standard cubic foot of dry flue gas corrected to 12 percent carbon dioxide (without the contribution of carbon dioxide from auxiliary fuel), measured in accordance with the

test procedures described in "Specifications for Incinerator Testing at Federal Facilities" (PHS publication, October, 1967) and any amendments or revisions thereof. Said document is available to any interested person, whether or not affected by the provisions of this part, upon request to the National Air Pollution Control Administration, Arlington, Va. 22203, which maintains an official historic file of the document, or to the Public Health Service Information Center or Regional Office Information Center as listed in 45 CFR 5.31 (32 F.R. 9316).

(2) For installations burning 200 pounds of waste per hour or less, emissions shall not exceed 0.3 grain of particulate matter per standard cubic foot of dry flue gas corrected to 12 percent carbon dioxide (without the contribution of carbon dioxide from auxiliary fuel), measured in accordance with the test specifications described in "Specifications for Incinerator Testing at Federal Facilities" (PHS publication, October 1967) and any amendments or revisions thereof.

(3) Test procedures which are approved by the Commissioner, National Air Pollution Control Administration, as equivalent to those prescribed by paragraphs (c)(1) and (c)(2) of this section may be used for the purpose of determining an installation's compliance with the emission standards for particulate matter contained in such paragraphs.

[34 F.R. 11419, July 10, 1969]

Sec. 76.9 Other pollution producing processes.

For dusts, fumes, or gases from any process not heretofore described, except for discharges of radioactive effluents regulated by the Atomic Energy Commission, whatever measures may be necessary to comply with the intent of these regulations shall be applied. This will generally require the installation of equipment or devices to minimize such emissions to the point where they will meet the standards contained in these regulations. For processes which emit toxic substances in quantities which might endanger health or welfare and for fires which emit smoke or fumes at official firefighting schools, the appropriate department, agency, or establishment shall seek special advice from the Secretary.

(Note: The Department of Health, Education, and Welfare will, from time to time, and after consultation with industries concerned, issue "Guides of Good Practice" for specific operations to aid Federal departments, agencies, and establishments in the selection of equipment and methods for meeting the performance standards. For emissions not covered herein, or for which there have been issued no applicable "Guides of Good Practice," the Department of Health, Education, and Welfare will provide technical material and consultation to departments, agencies, and establishments requesting such assistance. Requests for "Guides of Good Practice," technical material, or consultation should be directed either to the Federal Facilities Section, Abatement Branch, Division of Air Pollution, Public Health Service, Department of Health, Education, and Welfare, Washington, D.C. 20201, or to the appropriate Regional Air Pollution Program Director of the Public Health Service located in the Department of Health, Education, and Welfare Regional Offices.)

AIR POLLUTION
PROPOSED PROJECT REPORT

EXHIBIT 1
Circular No. A-78
Revised

AGENCY: Department of Government

Project No.: 101
Date prepared: 6-30-69
Date revised: 6-30-70

1. Facility

GSA Inventory Control No.: 20201

Name: Regional Laboratory
Address: Boston, Suffolk, Massachusetts
(City, county, State)

2. Source of pollution, type(s) of pollution, and amount(s)

Power plant, particulate matter from combustion of coal, 2 lb./10⁶ BTU.

3. Description of existing control being provided

Mechanical collectors

4. Proposed remedial measures

Convert boilers from coal to gas

5. Proposed measures are necessary to meet

a. Air Quality standards and implementation plans

(1) State _____

(2) Region _____

(3) Actual standard or exact citation _____

b. Secretary's regulations: 42 CFR section 76.4a(8)

c. Other (explain):

6. Performance specification (if different from item 5 above)

Same

7. Costs of pollution control measures (in thousands of dollars)

Total costs: \$100 for conversion

Cost by fiscal years and appropriation account:

1970: \$10 for design--Design account

1970: \$90 for construction--O&M account

8. Estimated additional operating and maintenance costs, if available

None. Savings expected.

9. Other relevant information

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EXHIBIT 2
Circular No. A-78
Revised

AGENCY: Department of Government

Agency contact: Roger L. Smith
Telephone: 395-9019

Page 1 of 1
Quarterly Reporting Date: June 30, 1970

AIR POLLUTION STATUS REPORT

Proj No.	Project Name and Location	Project Costs (\$1,000's)							Status
		Amt in President's Budget or Agency Plan (and amount appropriated or funded)						Present Cost Est	
		1968	1969	1970	1971	1972	1973	post 1973	
<u>SECTION A (Completed Projects)</u>									
3	Office Building #7, Portland, Me.		112					100	COMPL 10-69
			(100)						
2	Training School, Boonton, N.J.		58	58				0	DISC. Project dropped due to closing of school in FY 1971.
			(0)	(58)‡					
	Total, Sect. A		170	58				100	
			(100)	(58)					
<u>SECTION B (Active Projects)</u>									
1	District Office, Buffalo, N.Y.		80					105	DEFER 9-71. Cost increase, additional funds now being reprogrammed to project.
			(80)						
4a	Research Laboratory, Cleveland, Ohio (incinerator)		27					27	PP 7-71.
4b	Research Laboratory, Cleveland, Ohio (heating plant)			85				85	
5	Firefighting school, Boston, Mass.			500				500	Not scheduled for 1972 because technology still being tested at San Francisco facility.
6	Smelting plant, Houston, Tex.				1,000	1,000			OTHER. Appropriate technology under study for this special problem. Extension request pending at BOB.
	Total, Sect. B		80	27	85	500	1,000	1,717	
			(80)						

#Funds not used.

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EXHIBIT 3
Circular No. A-78
Revised

AIR POLLUTION
REPORT ON ADDITIONAL ABATEMENT ACTIVITIES

AGENCY: Department of Government

Date submitted: 6-30-70

Agency contact: Roger L. Smith
Telephone: 395-9010

1. Type of actions taken or planned

- a. Purchased 1% sulfur fuel for 1969 heating season for all installations in Boston and Atlanta.
- b. Discontinued open burning at 15 disposal areas, fall 1969.
- c. Plan to expand purchasing of 1% sulfur fuel for 1970 heating season to Norfolk and Providence.
- d. Plan to extend sanitary landfill operations by August 1970 to 15 disposal areas in "b" above, using existing equipment.

2. Approximate costs (in thousands of dollars)

- a. \$875 in premiums.
- b. None.
- c. \$500 in premiums.
- d. \$40 in labor and use of equipment.

3. Will costs recur annually?

- a. Yes, although premium may decrease.
- b. ---
- c. Yes, although premium may decrease.
- d. Yes.

(No. A-78)

an opportunity to file comments or request a hearing on the Board's tentative decision.³

Accordingly, it is ordered, That:

1. The lease without crew of two DC-8-63F aircraft from Seaboard to Icelandic be and it hereby is tentatively approved;

2. Interested persons are hereby afforded a period of time until May 12, 1970 in which to file comments or request a hearing with respect to the Board's proposed action;⁴ and

3. The Attorney General of the United States be furnished a copy of this order within 1 day of publication.

This order shall be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] **PHYLLIS T. KAYLOR,**
Acting Secretary.

[F.R. Doc. 70-5798; Filed, May 11, 1970;
8:48 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of National Chairman, White House Conference on Children and Youth, Office of the Secretary.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] **JAMES C. SPRY,**
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5799; Filed, May 11, 1970;
8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Relocation and

³In its final order, the Board will reserve jurisdiction over the transaction to take whatever action may be required in the public interest.

⁴Comments so filed shall conform to the requirements of the Board's rules of practice (14 CFR Part 302) for the filing of documents. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

Special Services, Renewal and Housing Management.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] **JAMES C. SPRY,**
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5800; Filed, May 11, 1970;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] **JAMES C. SPRY,**
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5801; Filed, May 11, 1970;
8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Director, Community Action Program.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] **JAMES C. SPRY,**
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5802; Filed, May 11, 1970;
8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Office of Research and Evaluation, Office of Planning, Research and Evaluation.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] **JAMES C. SPRY,**
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5803; Filed, May 11, 1970;
8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Office of General Counsel.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] **JAMES C. SPRY,**
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5804; Filed, May 11, 1970;
8:48 a.m.]

POST OFFICE DEPARTMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Post Office Department to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Postmaster General—Construction Engineering, Bureau of Facilities.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] **JAMES C. SPRY,**
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5805; Filed, May 11, 1970;
8:48 a.m.]

TAX COURT OF THE UNITED STATES

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Tax Court of the United States to fill by noncareer executive assignment in the excepted service the position of Executive Director.

UNITED STATES CIVIL SER-
ICE COMMISSION,

[SEAL] **JAMES C. SPRY,**
Executive Assistant to
the Commissioners.

[F.R. Doc. 70-5806; Filed, May 11, 1970;
8:48 a.m.]

COUNCIL ON

ENVIRONMENTAL QUALITY

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

Interim Guidelines

APRIL 30, 1970.

1. Purpose. This memorandum provides interim guidelines to Federal departments, agencies and establishments

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for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91-190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 5, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals.

2. *Policy.* Before undertaking major action or recommending or making a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse affects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and BOB procedures.* (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish no later than June 1, 1970, its own formal procedures for (1) identifying those agency actions requiring environmental statements, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State and local agencies, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with

environmental matters. The Bureau of the Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary material, new policies and procedures, water resource and other projects, etc.).

4. *Federal agencies included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

- (i) Recommendations or reports relating to legislation and appropriations;
- (ii) Projects and continuing activities;

—Directly undertaken by Federal agencies;

—Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance;

—Involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) Policy—and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead

agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment or serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, the regulatory activities of Federal environmental protection agencies (e.g., the Federal Water Quality Administration of the Department of the Interior and the National Air Pollution Control Administration of the Department of Health, Education, and Welfare) are not deemed actions which require the preparation of an environmental statement under section 102(2)(C) of the Act.

6. *Recommendations or reports on proposals for legislation.* The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Bureau of the Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process.

7. *Content of environmental statement.* (a) The following points are to be covered:

(i) The probable impact of the proposed action on the environment, including impact on ecological systems such as wild life, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(ii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of Public Law 91-190).

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(iii) Alternatives to the proposed action (section 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vi) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, mere reference to the previous certification is sufficient.

(c) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

8. *Federal agencies to be consulted in connection with preparation of environmental statement.* The Federal agencies to be consulted in connection with preparation of environmental statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards". These Federal agencies include components of (depending on the aspect or aspects of the environment involved):

Department of Agriculture.
Department of Commerce.
Department of Defense.

Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Department of Transportation.
Atomic Energy Commission.

For actions specially affecting the environment of their regional jurisdictions, the following Federal agencies are also to be consulted:

Tennessee Valley Authority.
Appalachian Regional Commission.

Agencies obtaining comment should determine which one or more of the above listed agencies are appropriate to consult. It is recommended that the above listed Departments establish contact points for providing comments and that Departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty days for reply, after which it may be presumed the agency consulted has no comment to make.

9. *State and local review.* Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Bureau of the Budget Circular No. A-95, review by State and local governments will be through procedures set forth under Part 1 of Circular No. A-95.

(b) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by Bureau of the Budget Circular No. A-85.

(c) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the draft environmental statement may be obtained directly or by publication of a summary notice in the *FEDERAL REGISTER* (with a copy of the environmental statement and comments of Federal agencies thereon to be supplied on request). The notice in the *FEDERAL REGISTER* may specify that comments of the relevant State and local agencies must be submitted within 60 days of publication of the notice.

10. *Use of statements in agency review processes; distribution to Council on Environmental Quality.* (a) Agencies will

need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State, and local agencies in the legislative, and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed an environmental statement should be provided.

(b) Seven (7) copies of draft environmental statements (when prepared), seven (7) copies of all comments received thereon (when received), and seven (7) copies of the final text of environmental statements should be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved.

11. *Application of section 102(2)(C) procedure to existing projects and programs.* To the fullest extent possible the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of Public Law 91-190 on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Availability of environmental statements and comments to public.* The agency which prepared the environmental statement is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. sec. 552).

13. *Review of existing authority, policies and procedures in light of National Environmental Policy Act.* Pursuant to section 103 of the Act and section 2(d) of Executive Order 11514, all agencies, as soon as possible, shall review their present statutory authority, administrative regulations, and current policies and procedures, including those relating to loans, grants, contracts, leases, licenses, certificates and permits, for the purpose of determining whether there are any

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deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of the Act. After such review each agency shall report to the Council on Environmental Quality not later than September 1, 1970, the results of such review and their proposals to bring their authority and policies into conformity with the intent, purposes and procedures set forth in the Act.

14. *Supplementary guidelines; evaluation of procedures.* (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1970. Such reports should include an identification of problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,
Chairman.

[F.R. Doc. 70-5769; Filed, May 11, 1970;
8:46 a.m.]

FEDERAL MARITIME COMMISSION

MATSON NAVIGATION CO. AND
UNITED STATES LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Peter P. Wilson, Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105.

Agreement No. DC-46 between Matson Navigation Co. (Matson) and United States Lines, Inc. (U.S. Lines), provides for the lease of container chassis owned by Matson, to U.S. Lines for use on the Island of Oahu.

By its terms U.S. Lines will have complete control and supervision over the equipment while in its possession. U.S. Lines will be liable for any damage or loss arising out of its use, operation, and possession of the chassis, and will release, agree to defend and hold harmless Matson in such an event.

Charges shall accrue to Matson at the rate of \$10 per diem, excluding the day of the interchange. Matson will be responsible for any repairs which are required before U.S. Lines takes possession of the chassis pursuant to the agreement. Ordinarily maintenance and service adjustments caused by ordinary use will be absorbed by U.S. Lines when the cost thereof does not exceed \$20. When the estimated cost thereof exceeds \$20 it shall be billed to and borne by Matson. Such maintenance will be authorized by Matson prior to the commencement of repairs when the estimated cost would exceed \$50.

Matson does not agree to make a definite number of chassis available at any particular time under the terms of the agreement.

The agreement is for a period of 1 year from the date of approval by the Federal Maritime Commission pursuant to section 15, Shipping Act, 1916 and will continue in effect from year to year. After 1 year either party may terminate the agreement at any time by giving the other party to the agreement 10 days notice of termination.

Dated: May 7, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-5795; Filed, May 11, 1970;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2737, etc.]

CITIES SERVICE GAS CO.

Notice of Filing of Settlement
Proposal

MAY 4, 1970.

Take notice that on April 29, 1970, Cities Service Gas Co. (Gas Company) filed a request for approval of a Settlement Proposal in Dockets Nos. G-2737, RP64-9, RP68-16, and RP69-39. The settlement proposal is stated to arise out

of discussions among Gas Company, the Commission's staff, and interested parties in the above-entitled proceedings, and is intended to represent a total settlement in the amount of \$27 million in full payment and settlement of any and all claims for refunds or alleged overcharges in Gas Company's jurisdictional rates arising from Gas Company's purchases of gas from Continental Gas Producing Co. and Continental Oil Co. in the Texas-Panhandle and Oklahoma-Hugoton Fields at the latters' effective rates on file with the Federal Power Commission, at all times on and after April 23, 1964, including such volumes of purchases as are involved in Dockets Nos. RP64-9, RP68-16, and RP69-39.

Copies of the proposed settlement were served on all parties of record in these proceedings.

Comments or objections relating to the proposed stipulation and agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before May 22, 1970.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5758; Filed, May 11, 1970;
8:45 a.m.]

[Docket No. CP70-256]

COLORADO INTERSTATE GAS CO.

Notice of Application

MAY 4, 1970.

Take notice that on April 24, 1970, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP70-256 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a meter station and approximately 1,000 feet of 4-inch pipeline in order to deliver up to 5,000 Mcf per day to Kansas-Nebraska Natural Gas Co., Inc. (Kansas-Nebraska) in Finney County, Kans. Applicant states that this proposal is only a rearrangement of deliveries under applicant's existing gas sales contract with Kansas-Nebraska and will not increase applicant's peak day or annual delivery obligations.

The total estimated cost of the proposed facilities is \$14,502, which will be financed from current working funds on hand, funds from operations, or short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the